

REMARKS AND ARGUMENTS

This amendment is submitted in response to the First Office Action mailed on February 12, 2003. Reconsideration is hereby requested.

Following the Remarks/Argument section of this response is a clean version of each replacement paragraph and amended or rewritten claim, followed by a marked-up version of such replacement paragraphs and amended or rewritten claims showing the changes made.

By the present amendment, Claim 11 has been amended in response to the rejection under 35 U.S.C. 112, second paragraph, by replacing the term "local network" with "home network." This is a clarifying amendment but also broadens the scope of Claim 11. Claims 36 and 39 have been amended to correct typographic errors therein.

Claims 1-37 and 39-40 were rejected under 35 U.S.C. 102(e) as being anticipated by the Sallberg published patent application (US2001/0043588). It is assumed that Sallberg is being cited under authority of the High Technology Technical Amendments Act of November 2, 2002 (H.R. 2215), and that the statement at the bottom of page 2 of the Office Action regarding the applicability of the pre-AIPA version of §102(e) is in error. If not, then Sallberg should not be cited insofar as the pre-AIPA version of §102(e) does not contemplate U.S. published applications as references. Claims 38 and 41 were rejected under 35 U.S.C. 103(a) as being unpatentable over Sallberg in view of Hartmaier (US 6,304,753). Applicant respectfully traverses both of the foregoing rejections.

Sallberg is directed to a wireless network in which a mobile station (MS) 300 (see Figs. 3A-3B) is able to receive PSTN voice calls while engaged in data communication with the Internet 390 through a direct access unit (DUI) 330 (Fig. 3A) or an Internet service provider

(ISP) 335 (Fig. 3B). When the voice call comes in to the MSC/VLR 320, it is forwarded to a voice gateway 340 within the MSC/VLR 320 and passed as an Internet phone call to the MS 300. See paragraph 0021. As explained in paragraph 0022, service feature administration is conventionally handled within the MSC/VLR 320, which communicates in the usual way with an HLR 370. Paragraph 0025 describes how the MS 300 can thereafter signal specific information locally to the MSC/VLR 320 in order to activate the call forwarding-to-voice gateway feature.

A function of applicants' invention which is clearly lacking in the Sallberg reference is the use of a packet data network to administer service features and/or send and receive service feature information. As stated above, all service feature administration in Sallberg is performed by way of the MSC/VLR 320 and the HLR 370 in a manner that is more or less conventional in a cellular telephone system. The Internet 390 in Sallberg is used for nothing more than normal data traffic, and does not act as a medium for service feature administration or feature information exchange.

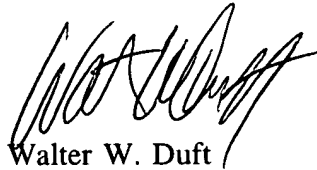
As such, at least the following limitations of the independent claims (1, 12, 23, 26, 29, 32, 34, 36, 39) appear to be neither disclosed nor suggested by Sallberg:

- Independent Claims 1 and 12 recite accessing "a packet data network for administering service features for a wireless call to or from a wireless terminal."
- Independent Claim 23 recites "sending a service feature request across said packet data network to a packet data feature server adapted to administer service features for said wireless terminal."

- Independent Claims 26 and 29 recite “communicating service feature messages via a data network with a switch located in a wireless network” and “communicating . . . service feature messages via a data network with said wireless terminal.”
- Independent Claims 32 and 34 recite “sending a . . . request via said data network to a feature server located in a home network that is connected to or part of said data network.”
- Independent Claims 36 and 39 recite “sending service feature messages to, and receiving service feature messages from, a data network feature server located in a home network that is connected to or part of a data network.”

Accordingly, applicants respectfully submit that there is insufficient evidence to support the §102(e) and §103 rejections, that the remaining rejection under §112 has been overcome, and that Notices of Allowability and Allowance are warranted. Formal drawings are being submitted herewith.

Respectfully submitted,



Walter W. Duft
Attorney for Applicant
Registration No. 31,948

10255 Main Street, Suite 10
Clarence, New York 14031
Telephone: (716) 759-1231